

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION  
AT CINCINNATI**

<b>LYNNE M. NILL, et ux.,</b>	:	
	:	<b>Case No. C-1-01-755</b>
<b>Plaintiffs,</b>	:	
	:	<b>[Beckwith, J.; Hogan, M.J.]</b>
	:	
<b>vs.</b>	:	<b><u>JOINT MOTION FOR EXTENSION</u></b>
	:	<b><u>OF REBUTTAL EXPERT</u></b>
<b>PERRIGO SALES CORPORATION,</b>	:	<b><u>DISCLOSURE DEADLINE</u></b>
<b>et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

---

Plaintiffs, Lynne Nill and Dennis Nill, and defendants, Bristol-Myers Squibb Company and Perrigo Sales Corporation, move the Court for an order extending the deadline for contemporaneous disclosure of rebuttal expert witnesses. In support of this motion, the parties state as follows:

On July 12, 2004, Magistrate Judge Hogan entered a Calendar Order in the above-captioned case setting forth various deadlines, including the deadline for the parties to make a contemporaneous disclosure of rebuttal expert witnesses. The deadline for that disclosure is January 1, 2005.<sup>1</sup>

The parties currently are in active settlement negotiations. As a result, they previously agreed to postpone the deposition of plaintiffs' case-specific expert witness, Dr. Woo. Given the nature of the settlement negotiations, the parties wish to postpone the deadline for submitting contemporaneous rebuttal expert witness disclosures until a date after Dr. Woo's deposition.

---

<sup>1</sup>The Calendar Order actually indicates the date of the disclosure of rebuttal experts is January 1, 2004, which is an error. Given that January 1, 2005, is a Saturday, the actual date of disclosure is January 3, 2005.

Specifically, the parties are in agreement that the disclosure deadline should be postponed until one week following the date of the completion of Dr. Woo's deposition. It is the parties' intention immediately to take Dr. Woo's deposition if settlement negotiations are not successful.

Based upon the foregoing, the parties request that the Court grant their joint motion and rule that the deadline for contemporaneous disclosure of rebuttal expert witnesses shall be one week following the completion of Dr. Woo's deposition.

Respectfully submitted,

/s/ Calvin S. Tregre, Jr.

Janet G. Abaray (0002943)  
Beverly H. Pace (0037534)  
Calvin S. Tregre, Jr. ((0073454)  
LOPEZ, HODES, RESTAINO, MILMAN & SKIKOS  
312 Walnut Street, Suite 2090  
Cincinnati, Ohio 45202  
(513) 852-5600  
fax (513) 852-5611  
[jabaray@lopez-hodes.com](mailto:jabaray@lopez-hodes.com)  
[bpace@lopez-hodes.com](mailto:bpace@lopez-hodes.com)  
[ctregre@lopez-hodes.com](mailto:ctregre@lopez-hodes.com)  
Counsel for PLAINTIFFS

/s/ Denise M. Smith

Denise M. Smith (0067604)  
ULMER & BERNE LLP  
600 Vine Street, Suite 2800  
Cincinnati, Ohio 45202-2409  
(513) 698-5000  
fax (513) 698-5968  
[dsmith@ulmer.com](mailto:dsmith@ulmer.com)

Craig A. Marvinney (0004951)  
ULMER & BERNE LLP  
900 Penton Media Building  
1300 East Ninth Street  
Cleveland, Ohio 44114-1583  
(216) 931-6000  
fax (216) 931-6001  
[cmarvinney@ulmer.com](mailto:cmarvinney@ulmer.com)  
Counsel for Defendant,  
BRISTOL-MEYERS SQUIBB COMPANY

OF COUNSEL:

Wendy A. Tucker

SEDGWICK, DETERT, MORAN & ARNOLD

801 South Figueroa Street – 18th Floor

Los Angeles, CA 90017-5556

(213) 426-6900 (Main)

fax (213) 426-6921

[wendy.tucker@sdma.com](mailto:wendy.tucker@sdma.com)

Michael F. Healy

SEDGWICK, DETERT, MORAN & ARNOLD

One Embarcadero Center – 16th Floor

San Francisco, CA 94111-3628

(415) 781-7900

fax (415) 781-2635

[michael.healy@sdma.com](mailto:michael.healy@sdma.com)

/s/ Todd G. Hoffpauir

James Montgomery (0018656)

Todd G. Hoffpauir (0064449)

MONTGOMERY, RENNIE & JONSON

36 East Seventh Street, Suite 2100

Cincinnati, Ohio 45202

(513) 768-5215

fax (513) 241-8775

[jmontgomery@mrj.cc](mailto:jmontgomery@mrj.cc)

[thoffpauir@mrj.cc](mailto:thoffpauir@mrj.cc)

Counsel for Defendant,

PERRIGO SALES CORPORATION

